

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:
	:
-against-	:
	:
CARLOS JOSE ZAVALA-VELASQUEZ,	:
Defendant.	:
-----X	

15 Cr. 174-05 (LGS)

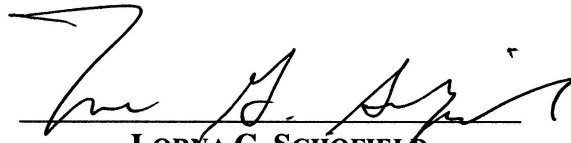
ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, Defendant Zavala-Velasquez submitted the attached motion for reconsideration dated July 22, 2020, seeking reconsideration of the Court's July 6, 2020, denial of his motion for sentence reduction. It is hereby

ORDERED that the Government shall file a response by **September 2, 2020**. The Government is directed to mail a copy of this order to Defendant Zavala-Velasquez and file proof of service by **August 31, 2020**.

Dated: August 27, 2020
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)	
Plaintiff,)	
vs.)	15 Crim. 174-05 (LGS)
CARLOS JOSE ZAVALA-VELASQUEZ,)	<u>EMERGENCY MOTION</u>
Defendant.)	

MOTION FOR RECONSIDERATION

Carlos Jose Zavala-Velasquez, Defendant pro se ("Zavala"), moves for reconsideration of the Court's July 6, 2020 Order of denial of compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A)(i).

STATEMENT OF FACTS

Zavala submits the following relevant facts for consideration in support thereof:

1. Zavala filed his Reply to the Government's opposition before receiving the Court's Order and within days of receiving the Government's Response.

2. On June 22, 2020, the Federal Correctional Institution, Low-Security, prison where Zavala is housed ("BML"), had its first reported positive case of COVID-19 within its inmate population. The spread of this virus has been explosive - as of July 22, 2020 there are 475 cases. [www.BOP.gov/coronavirus - last visited by family on July 22, 2020].

3. Zavala has documented chronic hypertension (not ordinary hypertension).

DISCUSSION

Zavala respectfully asks the Court to consider his pleadings included in his Reply to the Government's opposition in its resolution of this motion. There are (3) additional issues from the Court's denial order Zavala urges the Court to consider: 1) in 2016, the U.S. Sentencing Commission issued Amendment 799 to the United States Sentencing Guidelines expanding the criteria for compassionate release. The amendment added a fourth category for situations such as the current outbreak of COVID-19. The stated goal for this expansion was to make eligible a greater number of inmates for compassionate release; 2) there is much that is still unknown about the long-term effects of COVID-19 - there have been recent cases demonstrating that long-term catastrophic health consequences result in large number of cases; and 3) the situation at BML is now dire and Zavala is in clear and present danger.

Based on these issues, Zavala asks the Court to reconsider its denial of compassionate release. Moreover, Zavala has filed a motion under 28 U.S.C. § 2255, but the Court, to Zavala's knowledge, has yet to order a response from the Government. He asks the Court consider the issues raised therein as well.

CONCLUSION

Zavala is cognizant of the Court's hesitation to provide any level of compassion to a defendant it believes is guilty of the charges for which Zavala pleaded guilty. However, in light of the compelling claims raised in his § 2255 motion in regard to his actual innocence, Zavala urges the Court to consider he should

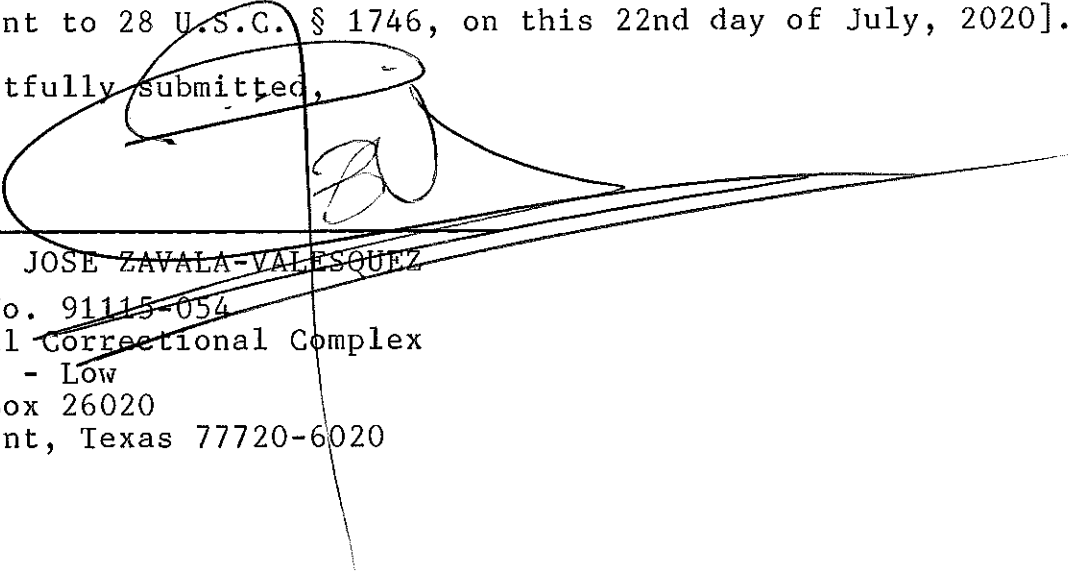
not be subjected to a potentially deadly virus. Moreover, the fact is clear from the facts of the case that Zavala is not a citizen of the U.S., accordingly, his medical records do not accurately reflect the severity of his predicament.

Zavala suffered a stroke four years ago. He still suffers lingering effects therefrom. He has also had issues with asthma in the past, and most recently has been experience serious issues with high blood pressure. Zavala has been attempting to get put on a blood thinner. But these things take time.

WHEREFORE, for the above-stated reasons, Zavala Prays this Honorable Court will reconsider its denial of a compassionate release.

Executed, subscribed, and sworn to under penalty of perjury pursuant to 28 U.S.C. § 1746, on this 22nd day of July, 2020].

Respectfully submitted,



CARLOS JOSE ZAVALA-VALESQUEZ
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